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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,618	10/25/2001	William H. Peters	PETRE-001A	2310

7590

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KIT M. STETINA
STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER

WILLIAMS, JAMILA O

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

66

Office Action Summary	Application No. 10/057,618	Applicant(s) PETERS, WILLIAM H.	
	Examiner Jamila Williams	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 2/24/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,7,10,12,14-20,25,26,28,30 is/are rejected.
- 7) ☒ Claim(s) 3,4,8,9,11,13,21-24,27,29 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding the method claims, it is unclear what applicant intends to encompass by the current claim language. The preamble of claim 14 is directed to **a method of operation of use of** a toy travel clock, however limitations or steps listed after the preamble do not correlate. The method steps appear to be a method of how the device functions internally (or a method of how the toy works) instead of a method of operation of use of the device.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 7, 10, 12, 14, 19, 20, 25, 26, 28, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Moroto. Moroto discloses an input device configured to accept an estimated time of travel between a starting location and destination

(column 10 lines 8-21 of the specification); a distance travel calculator (fig 19) configured to compute an estimated distance traveled based on the estimated time of travel between the starting location and destination; an output device (15) configured to display an indication of the estimated travel distance; wherein the output device is configured to graphically display the starting location, destination, hypothetical route connecting the starting location to destination, and the indication of distance traveled (fig 5-6); further comprising a clock display indicating current time (51); wherein the travel clock is a stand-alone device; wherein the travel clock is coupled to a navigation system display (column 22 lines 22-35 of the specification); further comprising an audio output device (column 6 lines 10-14 of the specification); method of accepting an estimated time of travel from a start location to destination, determining a hypothetical route, graphically displaying the starting location, destination, hypothetical route and connecting the start location to the destination, calculating a current position along the hypothetical route, displaying a graphical symbol representative of a vehicle at the current position along the route (fig 5-6). The recitation of "a toy travel clock" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

5. Claims 1-2, 5-6, 19-20,23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Watterson. Watterson discloses an input device (column 6 lines 49-56 of the specification) configured to accept an estimated time of travel between a starting location and a destination; a distance travel calculator (column 6 lines 59-63 of the specification) configured to compute an estimated distance traveled based on the estimated time of travel, an output device (154) configured to display an indication of the estimated travel distance, wherein the output device is configured to graphically display the starting location, the destination, a hypothetical route connecting the starting location and destination and the indication of the distance traveled along the route (fig 2), further comprising a storage module that stores at least one known destination having an associated known total distance and wherein the input device is configured to accept a respective known distance, wherein the known destination is associated with a stored known estimated time of travel between the start location and destination (column 7 lines 60-68 and column 8 lines 1-17 of the specification).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 5-6,23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroto. Moroto discloses all of the elements of the claims including a

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storage module (see column 6 lines 64-67 and column 7 lines 1-4). Moroto, however, does not disclose the details of the data stored, as recited in claims 5-6. In column 5 lines 56-64 of the specification, Moroto discloses that the storage module includes data necessary for determining the route. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an associated total distance and estimated time of travel in the storage module for the purpose of providing a more accurate traveling guide for the user.

Allowable Subject Matter

8. Claims 3-4,8-9,11,13,21-24,27,29,31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 15-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

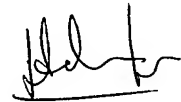
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila Williams whose telephone number is 703-305-3312. The examiner can normally be reached on Monday-Friday 6:30-3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature in black ink, appearing to be 'J. Williams', is written over a horizontal line.

May 19, 2003